

REMARKS

Claims 1 and 2 remain in the application and claim 1 has been amended hereby.

Reconsideration is respectfully requested of the rejection of claims 1 and 2 under 35 USC 103(a), as being unpatentable over the so-called admitted prior art in view of Brito.

Features of the headphone device according to the present invention are an earpad (5 in Fig. 4) including a removable facing (10 in Fig. 4) covering a cushion (9 in Fig. 4), wherein the removable facing includes a fitted portion (12 in Fig. 6) seamed to a covering portion (11 in Fig. 6) to form a hinge (11a in Figs. 4 and 6) to facilitate removal from the cushion.

Independent claim 1 has been amended to recite these features of the present invention.

The Office Action concedes that the so-called admitted prior art fails to show or suggest that the facing is removable and detachable from the cushion and cites Brito as curing this deficiency.

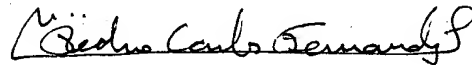
It is respectfully submitted that Brito fails to show or suggest a removable facing including a fitted portion seamed to a covering portion to form a hinge to facilitate removal from the cushion. Brito is merely teaching that a disposable material may be used as a covering to enhance the cushion's sanitary usefulness. No structure for detaching the covering from the cushion is shown or suggested in Brito.

Accordingly, it is respectfully submitted that amended independent claim 1, and the claim depending therefrom, are

patentable distinct over the so-called admitted prior art in view of Brito.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM, LLP

A handwritten signature in dark ink, appearing to read "Jay H. Maioli", written over a horizontal line.

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